

Judge Jones

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

COLTON HARRIS-MOORE,

Defendant.

NO. CR10-336RAJ

OPPOSITION TO MOTION FOR EARLY
TERMINATION OF SUPERVISED
RELEASE

The United States of America, by and through Brian T. Moran, United States Attorney for the Western District of Washington, and Michael Dion, Assistant United States Attorney, files this Opposition to Defendant Colton Harris-Moore's Motion for Early Termination of Supervised Release (docket no. 79).

I. INTRODUCTION

As discussed below, the Court should deny Harris-Moore's Motion. In his Motion, Harris-Moore argues that the Court should terminate his supervision because the travel restriction "precludes" him from embarking on a career as a highly-paid public speaker, and from visiting friends in "London, France, China, or Korea."

In truth, Harris-Moore offers no evidence that the travel restriction would preclude him from speaking engagements or any other legitimate travel. Harris-Moore has never

1 asked his Probation Officer for permission to travel for a speaking engagement. It seems
2 that Harris-Moore has simply grown tired of supervision. That is understandable, but
3 hardly a reason for early termination.

4 **II. BACKGROUND**

5 From 2008 to 2010, Harris-Moore committed at least 67 state and federal crimes
6 during a 27-month crime spree. Although Harris-Moore became famous for stealing (and
7 crashing) planes, he also burglarized homes and businesses, and stole firearms. This
8 Court sentenced him to 78 months of imprisonment and ordered him to pay
9 \$1,336,429.11 in restitution. The Court imposed a condition of supervision that
10 prohibited Harris-Moore from traveling outside this District without the approval of the
11 Probation Office.

12 Harris-Moore sold the rights to his life story to a movie studio for roughly \$1.15
13 million. Pursuant to the plea agreement, that money was applied to his restitution.

14 Harris-Moore moved for early termination on April 19, 2019. According to the
15 Probation Officer Gjefle, Harris-Moore had never asked him for permission to travel to
16 speaking engagements. It was only *after* the motion was filed that the defense discussed
17 the possibility of travel for speaking with Officer Gjefle. Officer Gjefle told the defense
18 that he supported the idea in principle, and would be open to requests to travel as a paid
19 speaker (which would help Harris-Moore pay restitution). Nevertheless, Harris-Moore
20 maintains his request for early termination.

21 **III. DISCUSSION**

22 The relevant statute, 18 U.S.C. § 3583(e)(1), provides that a court may terminate
23 supervision early “if it is satisfied that such action is warranted by the conduct of the
24 defendant released and the interest of justice.” “[T]he plain language of the statute
25 indicates that the district courts have broad discretion to alter the conditions of a
26 defendant's supervised release.” *United States v. Miller*, 205 F.3d 1098, 1100 (9th Cir.
27 2000). However, early termination is not warranted as a matter of course.

28 “Occasionally, changed circumstances -- for instance, *exceptionally* good behavior by the

1 defendant or a downward turn in the defendant's ability to pay a fine or restitution
2 imposed as conditions of release -- will render a previously imposed term or condition of
3 release either too harsh or inappropriately tailored to serve the general punishment goals
4 of section 3553(a).” *United States v. Lussier*, 104 F.3d 32, 36 (2nd Cir. 1997) (emphasis
5 added).

6 As one district court has noted, “[m]ere compliance with the terms of probation or
7 supervised release is what is expected of probationers, and without more, is insufficient
8 to justify early termination.” *United States v. Caruso*, 241 F. Supp. 2d 466, 468-69
9 (D.N.J. 2003) (“[T]here is general agreement that the early termination of probation . . . is
10 warranted only in cases where the defendant demonstrates changed circumstances, such
11 as exceptionally good behavior”).

12 Harris-Moore has done well on supervision and his future is promising. His
13 Motion does not, however, identify any “changed circumstances” to justify early
14 termination.

15 Harris-Moore argues that early termination is “crucial” so that he can take
16 advantage of his supposed speaking opportunities outside of this District, which could
17 earn him as much as \$20,000 per speech. Motion at p. 1. Yet Harris-Moore does not
18 identify a single speaking engagement that he has had to turn down because of the travel
19 restriction. Harris-Moore and his defense counsel never even raised the topic with
20 Officer Gjefle until *after* filing their motion for early termination. The claim that the
21 travel restriction “precludes” Harris-Moore from work as a speaker, or from any other
22 appropriate travel, is baseless speculation.

23 The reality is that Officer Gjefle would support travel for speaking engagements.
24 The Probation Office can approve travel requests promptly – the approval process would
25 take two weeks at the very most, and could often be completed faster than that. If
26 somebody is really going to pay Harris-Moore \$20,000 for an out-of-state speaking
27 engagement, it seems likely that the event would be planned more than two weeks in
28 advance.

Harris-Moore also wants his supervision terminated so he can visit friends in “London, France, China, or Korea.” Harris-Moore does not explain why he cannot submit requests for international travel two weeks in advance.

IV. CONCLUSION

Colton Harris-Moore committed dozens of very serious crimes, including some very dangerous crimes. This Court sentenced him to three years of supervision. Harris-Moore has done well, but his term of supervision is not over, and his restitution is not fully paid. No doubt many people on supervision would prefer to skip the last few months of their term. But the law – and common sense – say that there should actually be a reason to terminate supervision. Harris-Moore does not offer this Court any reason. He cannot legitimately claim that the travel restriction is interfering with appropriate travel because he has not asked for authorization. Even if Harris-Moore could meet that burden, the solution would be to consider modifying or altering the restriction – not terminating supervision entirely.

The Court should deny the motion for early termination.

DATED this 3rd day of May, 2019.

Respectfully submitted,

BRIAN T. MORAN
United States Attorney

/s/ Michael Dion

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CERTIFICATE OF SERVICE

I hereby certify that on May 3, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorney(s) of record for the defendant.

/s/ Elizabeth Gan

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